

Senate Bill 627

By: Senator Schaefer of the 50th

AS PASSED

AN ACT

To amend an Act creating the Habersham County Water and Sewerage Authority, approved April 6, 1981 (Ga. L. 1981, p. 3327), as amended, so as to continue in existence and reconstitute the authority; to provide for legislative findings; to provide for the termination of the terms of members of the authority appointed under previous law; to provide for the appointment of members and their qualifications, terms, chairperson, quorum, meetings, vacancies, and compensation; to provide for perpetual existence of the authority; to provide for ratification of outstanding revenue bond debt; to revise the powers of the authority; to provide that the authority shall exercise its powers with the consent of the Board of Commissioners of Habersham County; to expressly authorize lease of the assets of the authority, transfer of the authority's employees, and the provision of advice and recommendations to the Board of Commissioners of Habersham County; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Habersham County Water and Sewerage Authority, approved April 6, 1981 (Ga. L. 1981, p. 3327), as amended, is amended by inserting a new section to be designated Section 1.1 to read as follows:

"Section 1.1. The General Assembly finds that it is advantageous to reconstitute the Habersham County Water and Sewerage Authority for the following reasons:

- (1) The exceptionally rapid growth of the county requires careful planning for infrastructure, which would be made easier by reconstituting the authority;
- (2) The planning and construction of a water system designed to fulfill the county's water needs for the next several decades inaugurates a new era for the county and the authority; and

(3) Close coordination of expansion of the sewerage system with planning for commercial and business development would be more feasible with a reconstituted authority."

SECTION 2.

Said Act is further amended by striking Section 2 and inserting in lieu thereof the following:

"Section 2. (a) This Act continues the existence of a body corporate and politic, known as the Habersham County Water and Sewerage Authority, which is deemed to be a political subdivision of the State of Georgia and a public corporation and by that name, style, and title said body may contract and be contracted with, sue and be sued, implead and be impleaded, and complain and defend in all court of law and equity.

(b) The terms of members of the authority appointed under the provisions of prior law and serving on the authority on the effective date of this Act shall terminate at noon on the effective date of this Act. On and after 12:01 P.M. of the effective date of this Act, the authority shall consist of five members appointed by the Board of Commissioners of Habersham County, one of such members appointed by each district commissioner.

(c) Each member of the authority shall be a resident of Habersham County. For their initial appointments, authority members shall be appointed as follows: the county commissioners from districts 1 and 2 shall each appoint an authority member to serve for three years; the county commissioners from districts 3 and 4 shall each appoint an authority member to serve for two years; and the county commissioner from district 5 shall appoint an authority member to serve for one year. Upon expiration of these initial appointments, all succeeding appointments shall be for three year terms. Members of the authority shall serve at the will and pleasure of the Board of Commissioners of Habersham County. Any member of the authority may be appointed to succeed himself or herself.

(d) The members of the authority shall elect one of their number as chairperson. Three members shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the authority. The authority shall meet at least annually in the month of January of each year and at such other times as the authority may deem necessary.

(e) In the event of a vacancy on the authority for any reason, a replacement member to complete the unexpired term shall be appointed in the same manner as the member whose absence created the vacancy.

- (f) The members of the authority shall be compensated in the amount of \$50.00 for each meeting of the authority attended by a member. All compensation shall be from funds available to the authority.
- (g) The authority shall provide an annual report of its activities to the Board of Commissioners of Habersham County on such time frame as specified by the board.
- (h) The authority shall have perpetual existence. The authority as reconstituted by this Act continues in existence the authority created by the 1981 Act, despite the changes in membership. All revenue bond debt of the authority outstanding on the effective date of this Act is expressly ratified and confirmed as revenue bond debt of the authority reconstituted by this Act."

SECTION 3.

Said Act is further amended by striking Section 4 and inserting in lieu thereof the following:

"Section 4. The authority shall have the following powers to be exercised with the consent of the Board of Commissioners of Habersham County:

- (1) To have a seal and alter the same at pleasure;
- (2) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character for its corporate purposes;
- (3) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of any and all laws applicable to the condemnation of property for public use, real property, or rights or easements therein, or franchises necessary or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to be the best advantage of the authority;
- (4) To appoint, select, and employ officers, agents, and employees, including engineering, architectural, and construction experts, fiscal agents, and attorneys, and fix their respective compensations;
- (5) To make contracts, leases, or agreements and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be constructed or acquired, and any and all persons, firms, and corporations and the state and any and all political subdivisions, departments, institutions, or agencies of the state are hereby authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such

purposes as they deem advisable; and without limiting the generality of the above, authority is specifically granted to municipal corporations, counties, and other political subdivisions and to the authority to enter into contracts, lease agreements, or other undertakings relative to the furnishing of services and facilities by the authority to such municipal corporations, counties, and political subdivisions for a term not exceeding 50 years;

(6) To acquire, construct, own, repair, add to, extend, improve, equip, operate, maintain, and manage projects, as hereinabove defined, the cost of any such project to be paid, in whole or in part, from the proceeds of revenue bonds of the authority or from such proceeds and any grant or contribution from the United States of America or any agency or instrumentality thereof or from the State of Georgia or any agency or instrumentality thereof;

(7) To make loans with, and accept loans and grants of money or materials or property of any kind from, the United States of America or any agency or instrumentality thereof, upon such terms and conditions as the United States of America or such agency or instrumentality may require;

(8) To make loans with, and accept loans and grants of money or materials or property of any kind from, the State of Georgia or any agency or instrumentality or political subdivision thereof, upon such terms and conditions as the State of Georgia or such agency or instrumentality or political subdivision may require;

(9) To borrow money for any of its corporate purposes and to issue negotiable revenue bonds payable solely from funds pledged for that purpose, and to provide for the payment of the same and for the rights of the holders thereof;

(10) To exercise any power usually possessed by private corporations performing similar functions that is not in conflict with the Constitution and laws of this state; and

(11) To do all things necessary or convenient to carry out the powers expressly granted by this Act."

SECTION 4.

Said Act is further amended by inserting a new section to be designated Section 4.1 to read as follows:

"Section 4.1. (a) Without limiting the generality of paragraph (5) of Section 4 of this Act, the authority is expressly authorized to enter into a written lease agreement with the Board of Commissioners of Habersham County for the lease of all of the assets of the authority

and the management of the operations of such assets in exchange for payments by the board of commissioners sufficient to service the current and future debts and other liabilities of the authority.

(b) In the event that the authority enters into a lease agreement as described in subsection (a) of this section, all persons employed by the authority immediately prior to the execution of such agreement shall become employees of the Board of Commissioners of Habersham County, and members of the civil service system of such county, except for the director and department heads, who shall serve at the will and the pleasure of the board of commissioners. For purposes of computing the length of service and for all other purposes under such civil service system, such employees shall be deemed to have been employees of the county for all periods of time they were employed by the authority.

(c) In the event that the authority enters into a lease agreement as described in subsection (a) of this section, the authority is authorized to provide advice and recommendations to the board of commissioners regarding infrastructure developments and the review of plans for water and sewer requests in the county."

SECTION 5.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.